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THE DIRECTV GROUP INC PATENT DOCKET ADMINISTRATION RE/R11/A109			JANVIER	JANVIER, JEAN D	
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			3622		

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	09/492,725	ARSENAULT ET AL.			
Office Action Summary	Examiner	Art Unit			
	Jean Janvier	3622			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from to cause the application to become ABANDONED	L. nely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 2a) This action is FINAL . 2b) This 3) Since this application is in condition for allowant closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro				
Disposition of Claims					
4) ☐ Claim(s) 18-34 and 41-47 is/are pending in the 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 18-34 and 41-47 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or	vn from consideration.				
Application Papers					
9) The specification is objected to by the Examiner 10) The drawing(s) filed on is/are: a) access applicant may not request that any objection to the of Replacement drawing sheet(s) including the correction of the oath or declaration is objected to by the Examiner	epted or b) objected to by the Edrawing(s) be held in abeyance. See on is required if the drawing(s) is objected to be a second or the drawing(s) is objected to be a second or be a secon	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary (Paper No(s)/Mail Dai 5) Notice of Informal Pa 6) Other:				

U.S. Patent and Trademark Office PTOL-326 (Rev. 7-05)

DETAILED ACTION

Specification

Status of the claims

Claims 18-34 and 41-47 are currently pending in the Instant Application and claims 35-40 have been canceled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-23, **24-34** and 41-47 are rejected under 35 USC 102(e) as being anticipated by Gerace, WO 97/41673.

As per claims 18-23, **24-34** and 41-47, Gerace discloses a system for displaying advertisements to a user, over the Internet, based on the user's preferences (interests, habits or psychographic or behavioral profile or specification information) and demographic information. The user's psychographic profile and demographic profile are collected from the

user during a registration or an enrollment or sign-up process. Thereafter, the psychographic profile is constantly refined using the user's monitored viewing habits and computer activity. Further, content of categories of interest **and display format** in each category are included in the psychographic profile as a result of the user's viewing or browsing activities (specification information identifying the type of information item the user is interested in). Consequently, targeted advertisements are appropriately displayed to the selected user via his computer screen, based on the user's psychographic and demographic profile, when he logs into the system to request a primary content and wherein **these advertisements are constantly being modified** in accordance with the user's interaction or viewing activities (viewing of agate information) or psychographic or behavioral profiles.

(p. 33: 31 to p. 34: 9; p. 26: 7-20; p. 18: 22 to p. 19: 4; p. 30: 23 to p.31:8) and (See abstract; figs. 3B-3F; p. 3: 2 to p. 5: 19; p. 13: 1-22; p. 39: 22 to p. 45: 7).

Furthermore, Gerace discloses that each advertisement from an advertiser has one or ad packages or ad objects. In each ad package or ad object 33b, there is shown a start and end dates and times (schedule of display) and pricing for the ad package or ad object. Each ad belongs to a series of ads (ad listing). For serially displayed ads, the maximum number of views in a series to be displayed in a particular sequence, per user and per day, is also indicated. For instance, ad object 33d of fig. 5D indicates a series ID and a series sequence (i.e. the ordering of the ad in a series) while referencing to an ad series object 33c of fig. 5C, which shows in turn the intended targeted demographic profiles, products and services offered by the sponsor, etc. Moreover, the system compiles statistical reports that show the success or the failure of a particular ad campaign. (fig. 5A-5D; page 22: 36 to page 24: 15).

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In general, specific to desired ads, each sponsor or advertiser or merchant has one or more Ad Series Objects 33c (FIG. 5c). An Ad Series Object 33c (FIG. 5c) provides an indication of whether a given advertisement is singly or serially displayed (groups of ads), the category of the information, and the demographic group of users (configuration data) prerequested by the sponsor to be shown that advertisement. In a preferred embodiment, the sponsor specifies in Ad Series Object 33c the required and/or preferred psychographic and/or demographic criteria and relative importance (e.g., weight) with respect to each criterion (configuration). Further, the sponsor specifies in Ad Series Object 33c a minimum total weight of criteria (local condition) to be met by a user to qualify the user to view the advertisement or ad series (one or more groups of ads). Also Ad Series Object 33c includes a reference or a link to an Ad Package Object 33b (via an ad package identification or Ad Package ID or Ad Object 33b of fig. 5B; one object is linked to another), the hour of the day in which the ad/ad series is to start and end, the days of the week on which the ad/ad series is to be displayed, and the beginning and ending dates and times of the ad/ad series (schedule related to a display of one or more series of ads). Also for serially displayed advertisements, Ad Series Object 33c indicates the maximum number of views in a series to be displayed per user and per user per day. Following a display of ads to the targeted group, a Detailed Package Report provides, to the sponsor, information on individual ad packages, including showing the ads included in the package with video and audio portions intact (The ad object has included therein a link to an image object and audio object whose associated content is being called from a designated location during execution of a module by a processor to display the image on the user's interface or output an audible signal thereat). The demographic profiling requested

and <u>demographic</u> breakdown of success with respect to a control <u>group</u> are also provided in the Detailed Package Report. Also the number of hits and click-throughs purchased and achieved are designated in the Detailed Package Report.

Each ad forms a corresponding Ad Object 33d as illustrated in FIG. 5d. For a given advertisement, Ad Object 33d indicates to which series the advertisement belongs. To effectuate this, the Ad Object 33d indicates a series ID which references an Ad Series Object 33c, and indicates a series sequence (i.e., the ordering of the ads in a series or the priority of display of ads in a series). Ad Object 33d also includes the starting and ending time for display of the ad each day (scheduling object). Ad Object 33d also provides references to graphic references (image object or image file), sound, and multimedia portions of an advertisement. A text-only format of an advertisement is used for users receiving messages on their own E-mail service or on a text-only browser (e.g., Links systems for VAX/VMS operating systems) rather than through the messaging feature of program 31; in other words, the ad is displayed to a user in accordance with a local condition or display interface capability). Here, Ad object 33d (directory) of fig. 5D refers or calls graphic references (or image objects (which may represent a directory containing one or more image files stored on the server or a different server), Ad Series Object 33c (directory) of fig. 5C linked via package ID to Ad Package 33b of fig. 5B (directory containing a plurality of files), which calls via Sponsor ID Sponsor Object 33a of fig. 5A (Sponsor directory comprising a plurality of files). When a view op occurs or when a user having a profile matching the advertiser's specifications visits the system, or system web site, program 31 retrieves and displays the related advertisement, based on local conditions or the user's interface capability, by

executing Ad Object 33d of fig. 5D, which calls, among other things, therefrom graphic references or image objects, Ad Series Object 33c, which in turn refers to Ad Package Object 33b, which refers to Ad Sponsor Object 33a, which in turn calls via User ID User Object 37a of fig. 3B for completion. This is well established in the area of Object Oriented programming (e.g. C language). This data structure model is widely used in organizing directories and files stored in a Hard disk drive under MS DOS and MS Windows Operating or Interface. Except for the display of the advertisement and related images, texts, sounds, etc., the execution or operation is transparent to the user.

See figs. 5A-5D; page 22: 25 to page 24: 15.

Further, a <u>Demographic</u> Response Rates Report is generated where all ad packages of a sponsor or selected ones are compared. In particular, the ad success by the sponsor-targeted <u>demographic groups</u> is compared. A reporting subroutine 41 of program 31 also calculates a regression on the targeted <u>demographic groups</u> for the ads, and the results of the regression calculation are used to suggest other <u>demographic</u> characteristics that are important factors in the number of click-throughs and/or number of purchases (Other demographic groups, following the reporting, may be considered in order to achieve the number of click-throughs and/or generated purchased). The <u>advertiser</u> may also run a complete regression report for all or certain ad packages.

Additionally, appropriate hardware and software used in the system are disclosed on page 6: 22 to page 12: 36 and figs. 1-4. For example, the present system uses a software program or module 31 operated on and connected through a server 27 to the Internet for communication

among the various networks 19 and/or processors 11, 13, 15, 17 of fig. 1 and other end users connected through respective servers 25. In the preferred embodiment, the server 27 is a Digital Equipment Corp. (DEC) Alpha server cluster (e.g., 2400-8000 Series), or a multiplicity of similar such servers. Server 27 runs Oracle 2.0 Web server as HyperText Transfer Protocol (HTTP) server software to support operation of present system program 31 (p. 6: 22-32). Also for each user, there are a User Computer Object 37b and a User Interface Object 37c (fig. 3C). For each user's computer, User Computer Object 37b provides an indication of the limitations and capabilities of the user's computer system. For instance, User Computer Object 37b lists whether the user's system provides audio and/or video display, and what Web browser software is utilized by the user's system (User's interface sophisticated level and/or local condition is used in determining which advertisement is to be displayed to the user and in what format). Here, it is further understood that an ad is displayed to the user based on a local condition such as a time of display as read from the user's computer (station) local clock). An outline of the table/data set of a User Computer Object 37b in the preferred embodiment is illustrated in FIG. 3c (p. 11: 10 to p. 12: 2).

In the preferred embodiment, program 31 is implemented as an object oriented program as discussed above with reference to FIGS. 3a through 5b. Each object is formed of data and subroutines (methods) for acting on the data. The data is preferably stored in tables and each table is formed of a multiplicity of records or fields of information. The information held in a record in respective tables of the objects is illustrated in FIGS. 3b through 5b and discussed above. It is understood, however, that other program means, techniques, data structures and program designs for system module 31 are suitable (p. 10: 4-18).

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(Page 4: 9-21; page 5: 10-19; page 9: 26 to page 10: 3; page 25: 1-20; page 28: 25 to page 29: 12; page 29: 13-34).

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Additionally, an advertiser can create a second (new) advertising package (Package Object 33b), subsequent to creating a first Ad Package Object 33b, the advertiser submits the relevant data including graphics or video or image to the system. In response, program 31 creates a new Ad Package Object 33b and links it to the company's existing Sponsor Object 33a. From the data entered or submitted by the advertiser or sponsor into a form, main routine 39 (second software module among a plurality of modules used in the execution of the tasks disclosed herein) completes the corresponding Ad Package Object 33b, Ad Series Object 33c and Ad Object 33d of figs. 5B, 5C and 5D respectively. In turn, program 31 displays a price quote for running the ad and the sponsor-user clicks on the "accept" button. This advertisement package becomes available as soon as the sponsor-user has clicked on the "approved" button. And the new or second ad package is used to update a database file storing the advertiser's advertising data or to simply replace an exiting (old version) Ad Package Object 33b (p. 36: 31 to p. 37: 31).

Finally, in <u>order</u> to achieve rapid and direct benefits from the performance report or detailed reporting of program 31, program 31 allows the sponsor or advertiser to enter <u>new advertising</u> contracts online in response to customers' reactions. For instance, with respect to reporting, if the reports of program 31 <u>show</u> that customers respond to still <u>advertisements</u> more often than moving ones, bright colors more often than darker ones, <u>graphics</u> rather than <u>text</u>, then large <u>text</u> rather than small, detailed <u>text</u> or square <u>advertisements</u> rather than bar style ones, such data are relayed or conveyed to the sponsors/advertisers for further marketing analysis.

Furthermore, if a sponsor recognizes that, for example, 25-35 year-old women tend to purchase frequently and respond to their still, forest green colored <u>advertisements</u> most often, then program 31 enables associated sponsors to place that type of ad in front of the subject <u>target</u> market segment in real-time during a reporting cycle. Thus, program 31 enables <u>updating</u> of the Sponsor and Ad <u>Objects</u> 33 during a reporting cycle (that type of ads becomes a high priority and therefore replaces stored or existing (or similar) low priority ads; in other words, the Ad Objects will be updated-p. 38: 34 to p. 39: 20).

Response To Applicant's Arguments

First of all, the Applicant argues that Gerace does not disclose, teach or suggest a first software routine adapted to be executed by a processor to receive advertising objects and image objects from a transmitted data stream as recited in claim 18. The Examiner completely and respectfully disagrees with the Applicant's findings.

First of all, contrary to the Applicant's remarks, Gerace discloses, inter alia, a system wherein each advertisement received from an advertiser has one or more ad packages or ad objects (at least, it should be assumed here that the advertisements were electronically received from the advertisers). In each ad package or ad object 33b, there is shown a start and end dates and times (schedule of display) and pricing for the ad package or ad object. Each ad belongs to a series of ads (ad listing). For serially displayed ads, the maximum number of views in a series to be displayed in a particular sequence, per user and per day, is also indicated. For instance, ad object 33d of fig. 5D indicates a series ID and a series sequence (i.e. the ordering of the ad in a series) while referencing to an ad series object 33c of fig. 5C, which shows in

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turn the intended targeted demographic profiles, products and services offered by the sponsor, etc. Moreover, the system compiles statistical reports that show the success or the failure of a particular ad campaign. (fig. 5A-5D; page 22: 36 to page 24: 15).

In general, specific to desired ads, each sponsor or advertiser or merchant has one or more Ad Series Objects 33c (FIG. 5c). An Ad Series Object 33c (FIG. 5c) provides an indication of whether a given advertisement is singly or serially displayed (groups of ads), the category of the information, and the demographic group of users (configuration data) prerequested by the sponsor to be shown that advertisement. In a preferred embodiment, the sponsor specifies in Ad Series Object 33c the required and/or preferred psychographic and/or demographic criteria and relative importance (e.g., weight) with respect to each criterion (configuration). Further, the sponsor specifies in Ad Series Object 33c a minimum total weight of criteria (local condition) to be met by a user to qualify the user to view the advertisement or ad series (one or more groups of ads). Also Ad Series Object 33c includes a reference or a link to an Ad Package Object 33b (via an ad package identification or Ad Package ID or Ad Object 33b of fig. 5B; one object is linked to another), the hour of the day in which the ad/ad series is to start and end, the days of the week on which the ad/ad series is to be displayed, and the beginning and ending dates and times of the ad/ad series (schedule related to a display of one or more series of ads). Also for serially displayed advertisements, Ad Series Object 33c indicates the maximum number of views in a series to be displayed per user and per user per day. Following a display of ads to the targeted group, a Detailed Package Report provides, to the sponsor, information on individual ad packages, including showing the ads included in the package with video and audio portions intact (The ad object has included therein a link to

an image object and audio object whose associated content is being called from a designated location during execution of a module by a processor to display the image on the user's interface or output an audible signal thereat). The demographic profiling requested and demographic breakdown of success with respect to a control group are also provided in the Detailed Package Report. Also the number of hits and click-throughs purchased and achieved are designated in the Detailed Package Report.

Each ad forms a corresponding Ad Object 33d as illustrated in FIG. 5d. For a given advertisement, Ad Object 33d indicates to which series the advertisement belongs. To effectuate this, the Ad Object 33d indicates a series ID, which references an Ad Series Object 33c and indicates a series sequence (i.e., the ordering of the ads in a series or the priority of display of ads in a series). Ad Object 33d also includes the starting and ending time for display of the ad each day (scheduling object). Ad Object 33d also provides references to graphic references (image object or image file), sound, and multimedia portions of an advertisement. A text-only format of an advertisement is used for users receiving messages on their own E-mail service or on a text-only browser (e.g., Links systems for VAX/VMS operating systems) rather than through the messaging feature of program 31; in other words, the ad is displayed to a user in accordance with a local condition or display interface capability). Here, Ad object 33d (directory) of fig. 5D refers or calls graphic references (or image objects(which may represent a directory containing one or more image files stored on the server or a different server), Ad Series Object 33c (directory) of fig. 5C linked via package ID to Ad Package 33b of fig. 5B (directory containing a plurality of files), which calls via Sponsor ID Sponsor Object 33a of fig. 5A (Sponsor directory comprising a

plurality of files). When a view op occurs or when a user having a profile matching the advertiser's specifications visits the system, or system web site, program 31 retrieves and displays the related advertisement, based on local conditions or the user's interface capability, by executing Ad Object 33d of fig. 5D, which calls, among other things, therefrom graphic references or image objects, Ad Series Object 33c, which in turn refers to Ad Package Object 33b, which refers to Ad Sponsor Object 33a, which in turn calls via User ID User Object 37a of fig. 3B for completion. This is well established in the area of Object Oriented programming (e.g. C language). This data structure model is widely used in organizing directories and files stored in a Hard disk drive under MS DOS and MS Windows Operating or Interface. Except for the display of the advertisement and related images, texts, sounds, etc., the execution or operation is transparent to the user.

In short, in contrary to the Applicant's remarks, Gerace discloses (at least implicitly) that the advertisements or ad packages or ad objects were electronically received from the advertisers. The ad objects and related or linked images (video or graphics) are stored in memory for later retrieval and display to an appropriate user. Further, in the Gerace's system, appropriate computer programs comprising a plurality of routines or instructions or codes (first software, second software, third software....) are provided to perform, when executed on a computer system or server, the different functions or tasks described therein.

See figs. 5A-5D; page 22: 25 to page 24: 15.

Second of all, even if the Examiner were to agree with the Applicant that Gerace teaches a server (27) having an object-oriented program (31) that <u>creates</u> various objects based on

information received by the server and does not disclose receiving the data objects, however, a system having a software routine to receive advertising objects and linked image objects from a transmitted data stream is inherently disclosed in Gerace. Gerace discloses that that his system encompasses using HTML (Hypertext Mark-up Language) for displaying web pages to a user's screen (Page 26, lines 7 - 13). Here, one of ordinary skill in the art would have recognized that HTML is simply a technique that directs the formatting of various objects that are to be displayed on a local web browser. This is accomplished through the use of tags or links such as (<text>, <image>, , <begin>,<end>). These tags are used to communicate the final format of a document that is transmitted to the web browser (software and software routine) on the user's local machine. It is important to note that this is a formatting document. Individual portions of the final document are transmitted separately over the related communication network. In the case of image objects, for example, the HTML format tag contains the location of the image document and not the image itself (linking image object). When a user's local browser receives an HTML document (an ad) that requires an image display, the browser reads the source location and requests this image to be transmitted. The image object is retrieved by the browser and placed into the location directed by the HTML document. The high-speed Internet connections perform this formatting and display so transparently that the user only sees the final document (most people can still remember when it took an excessive amount of time to load images on a web page due to the lower bandwidth of older dial-up connections).

Furthermore, Gerace discloses, in relation to FIG. 3a, that the set of Page Display Objects 35a-35c defines the screen views transmitted and displayed to the end users. A Page object 35a cross references a User Interface Object 37c, which specifies which Page Display Object 35c and

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which agate information (content and presentation) is appropriate for a current user. Page Data Objects 35b hold the agate or other data to be displayed to the end users. Included are advertisements (objects themselves), including graphics or video (linked image objects), which may be integrated into the agate data. Preferably advertisements are positioned along the periphery (i.e., above, below, left or right) of the agate data, as defined by a respective Page Display Object 35c. Accordingly, Page Data Objects 35b support Page Display Objects 35c, which outline the possible screen content and presentation formats in which agate data advertisements, including images (linked image objects) are to be displayed (receiving by an end user's computer from the server a requested agate information having integrated therein advertisement objects, having associated graphics objects (linked image objects)- page 13: 23 to page 14: 2; page 25: 31 to page 26: 6).

Therefore, the Applicant's request for allowance or withdrawal of the last Office

Action has been fully considered and respectfully denied in view of the foregoing response since
the Applicant's arguments as herein presented are not plausible and thus, the current Office

Action has been made Final.

Conclusion

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

US Patent 5,740,549 to Reilly discloses an information and advertising distribution system. A data server stores and updates a database of information items and advertisements. The information items and advertisements are each categorized so that each has an associated information category. Workstations remotely located from the data server each include a display device, a communication interface for receiving at least a subset of the information items and advertisements in the data server's database and local memory for storing the information items and advertisements received from the data server. An information administrator in each workstation establishes communication with the data server from time to time so as to update the information items and advertisements stored in local memory with at least a subset of the information items and advertisements stored by the data server. An information display controller in each workstation displays on the workstation's display device at least a subset of the information items and advertisements stored in local memory when the workstation meets predefined idleness criteria. At least a subset of the workstations include a profiler for storing subscriber profile data. The subscriber profile data represents subscriber information viewing preferences, indicating information categories for which the subscriber does and does not want to view information items. The information display controller includes a filter for excluding from the information items displayed on the display device those information items inconsistent with the subscriber profile data (See abstract).

US Patent 5,848,397 to Marsh provides a method and apparatus for <u>scheduling</u> the presentation of a continuously changing display to computer users, and is particularly well suited for use in an <u>advertisement</u>-supported e-mail service. An <u>advertisement</u> display <u>scheduler</u> resident on a user's computer receives <u>advertisements</u> from a server system over a network.

Upon receipt, the <u>advertisement</u> display <u>scheduler</u> determines the <u>priority of the advertisement</u> and assigns it to one of a plurality of <u>prioritized advertisement</u> queues. Each queue is sorted according to predetermined <u>scheduling</u> criteria so that <u>advertisements</u> deemed "more important" are presented to a user first. The <u>advertisement</u> display <u>scheduler</u> logs statistical information relating to the presentation of <u>advertisements</u> for use in updating the <u>scheduling</u> criteria, and Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, makes such statistical information available to the server system.

\THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner

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by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached

at (571) 272-6724.

Non-Official- 571-273-6719.

Official Draft: 571-273-8300

04/01/06

Jean D. Janvier

Patent Examiner

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JDJ